

**803 KAR 2:418. Underground construction, caissons, cofferdams, and compressed air.**

RELATES TO: KRS 338.015(1), (2), (3), 338.051, 338.061, 29 C.F.R. 1926.800-1926.804, 1926 Subpart S App. A

STATUTORY AUTHORITY: KRS 338.051(3), 338.061

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations necessary to accomplish the purposes of KRS Chapter 338. 29 C.F.R. 1926.800-1926.804 and Subpart S App. A establish federal requirements relating to underground construction, caissons, cofferdams, and compressed air. This administrative regulation establishes the underground construction, caissons, cofferdams, and compressed air standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of construction.

Section 1. Definitions. (1) "Assistant Secretary" means Secretary, Labor Cabinet, or Commissioner, Department of Workplace Standards, Labor Cabinet.

(2) "C.F.R." means Code of Federal Regulations.

(3) "Employee" is defined by KRS 338.015(2).

(4) "Employer" is defined by KRS 338.015(1).

(5) "Standard" means "occupational safety and health standard" as defined by KRS 338.015(3).

Section 2. Except as modified by the definitions established in Section 1 of this administrative regulation, the construction industry shall comply with the following federal regulations published by the Office of the Federal Register, National Archives and Records Services, General Services Administration:

(1) 29 C.F.R. 1926.800 - 1926.804, and 1926 Subpart S, Appendix A, revised as of July 1, 2012; and

(2) The amendments to 29 C.F.R. 1926.800 as published in the April 23, 2013 Federal Register, Volume 78, Number 78. (16 Ky.R. 716; eff. 12-15-89; 1700; eff. 4-12-90; 20 Ky.R. 2722; eff. 5-11-94; 25 Ky.R. 1173; eff. 1-19-99; 33 Ky.R. 3065; 3378; eff. 6-1-07; 37 Ky.R. 1071; 1438; eff. 1-3-2011; TAm eff. 9-8-2011; 39 Ky.R. 161; eff. 10-4-2013.)